IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 444 of 2007

Date of Decision: 29.11.2007

Dr. Surinder Singh … Petitioner.

Versus

State of H.P. & anr. … Respondents.

Coram:

The Hon'ble Mr. Justice Deepak Gupta, ACJ.

The Hon'ble Mr. Justice V.K.Ahuja, Judge.

Whether approved for reporting?

For the Petitioner : Mr. Vishal Panwar, Advocate.

For the Respondent(s) : Mr. M.S.Chandel, Advocate General, With Mr. R.M.Bisht, Dy. Advocate General.

Deepak Gupta, J (Oral).

This petition is directed against the order passed by the H.P. State Administrative Tribunal rejecting the Original Application filed by the petitioner for quashing his order of transfer.

The petitioner is a doctor employed with the State Government. He has served in various areas in Himachal Pradesh. He was posted at Mental Hospital at Shimla on 13th September, 2004. Thereafter vide impugned order dated 27.7.2005, he was transferred from Mental Hospital, Shimla to Civil Hospital, Rohru. The petitioner challenged his transfer order by

filing an Original Application before the learned Tribunal. The main ground raised by the petitioner was that he has been transferred after a short stay and before completion of the period of three years. This application was rejected by the learned Tribunal on the ground that the order of transfer is an incidence in Government service and there is nothing on record to show that the transfer of the petitioner is malafide.

The petitioner as stated above was transferred to the Mental Hospital, Shimla on 13.9.2004. Now, we are in November, 2007. Three years have elapsed and the petitioner due to the stay orders passed by the learned Tribunal and this Court has also completed more than three years in Shimla. Therefore, the writ petition does not survive and the same is rejected. It is, however, clarified that the petitioner shall be permitted to continue at Shimla till the Model Code of Conduct is in force due to the ensuing election to the H.P. State Legislative Assembly and the order in relation to his transfer be passed thereafter.

The writ petition is disposed of in the aforesaid terms.

(Deepak Gupta),ACJ.

November 29, 2007. (V.K.Ahuja), J.

s.